

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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WILLIAM CONSTANT,

Plaintiff,

-against-

Corrections Officers N. DAPCEVIC, R. CABRAL,
A. ALBAN, B. STURTEVENT, J. MARKWICK, B.
HESS, M. VENNERO, and JOHN and JANE DOES
1-20, all Individual Defendants in their individual and
official capacities,

Defendants.
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STATE OF NEW YORK)

ss:

COUNTY OF MONROE)

**AFFIDAVIT OF
MICHAEL HURLEY**

Docket No. 16 Civ. 03985

MICHAEL HURLEY, being duly sworn, deposes and states the following under penalty of perjury:

1. In May 2013, I was an inmate in the custody of the Department of Corrections and Community Supervision, housed at Green Haven Correctional Facility. I submit this affidavit in connection with William Constant's excessive force claim against the defendant corrections officers. This affidavit is based upon my personal observations of the May 27, 2013 incident.

2. On May 27, 2013, I was playing cards in the E&F Yard at Green Haven Correctional Facility with Plaintiff William Constant.

3. I witnessed Mr. Constant get attacked from behind and cut across his face very badly.

4. Mr. Constant was visibly and profusely bleeding from his face.

5. Mr. Constant then chased after his attacker. Mr. Constant and the other inmate started fighting and ended up on the ground.

6. While Mr. Constant and the other inmate were on the ground, four or five corrections officers responded to the fight.

7. I did not observe Mr. Constant advance, threaten, or make any aggressive move toward any officer.

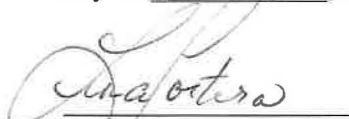
8. As the officers were trying to separate the inmates, I saw one of the officers strike Mr. Constant from behind in the head and/or neck area with his baton, knocking Mr. Constant to the ground.

9. The officer then got on top of Mr. Constant and held him down, by pressing his baton into the back of Mr. Constant's neck while Mr. Constant lay face down on the ground bleeding.

10. I then saw officers remove Mr. Constant from the Yard; I do not know what happened after that.


MICHAEL HURLEY

Sworn to this 3rd
day of November, 2020


Notary Public

